

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JOSEPH BOWLER,

Plaintiff,

v.

Civil Action No. 3:07CV565

UNKNOWN,

Defendant.

MEMORANDUM OPINION

Joseph Bowler, a Virginia inmate, submitted this action and requested leave to proceed in forma pauperis. A prisoner is prohibited from proceeding in forma pauperis:

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Bowler has at least three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. See Bowler v. Braxton, No. 04-6035, 2004 WL 335170 at *1 (4th Cir. Feb. 23, 2004). In his current complaint, Bowler complained about an assault that occurred when he was incarcerated at the Greenville Correctional Center. Bowler is currently incarcerated in Red Onion State Prison. The complaint does not contain any coherent indication that Bowler is in imminent danger of serious physical

harm. Therefore, by Memorandum Order entered on October 26, 2007, the Court denied Bowler's request to proceed in forma pauperis and directed Bowler to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the October 26, 2007 Memorandum Order and Bowler has not paid the full filing fee. Bowler has submitted a letter wherein he asserts that he was threatened and harmed by correctional officers at his current place of incarceration. Bowler is free to submit a new action challenging the events at his current place of incarceration. However, the facts set forth in the current complaint do not indicate that he is in imminent danger of serious physical harm. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Bowler.

It is so ORDERED.

_____/s/
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: DEC - 4 2007